

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 29, 2021

SEAN F. McAVOY, CLERK

U.S.A. vs. Mendoza-Zuniga, Nelson Docket No. 0980 2:21CR00065-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Phil Casey, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Nelson Mendoza-Zuniga, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the Court at Spokane, Washington, on the 26th day of May 2021, with conditions. On August 27, 2021, the Honorable U.S. Magistrate Judge John T. Rodgers imposed additional conditions of release in response to the defendant's continued use of controlled substances.

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #4: Mr. Mendoza-Zuniga is alleged to be in violation of his pretrial release conditions by consuming a controlled substance, methamphetamine, on or about November 14, 2021.

Conditions of pretrial release were reviewed and signed by Mr. Mendoza-Zuniga on June 25, 2021, acknowledging an understanding of his requirements, to include standard condition number 9.

On November 18, 2021, Mr. Mendoza-Zuniga reported to probation office in Spokane, Washington, as directed by the Court after his initial appearance on violations of his pretrial release conditions to submit to a urinalysis (UA). Mr. Mendoza-Zuniga provided a presumptive positive UA sample. The defendant denied drug use and informed the probation officer who collected the UA sample that he took medication, because he was ill; however, the defendant could not recall the name of the medication he took. The UA sample was sent to the Alere Toxicology services for further analysis.

Shortly after, Mr. Mendoza-Zuniga provided the presumptive positive UA, his defense attorney called this officer and reported the defendant consumed a controlled substance on Sunday, November 14, 2021.

PRAYING THAT THE COURT WILL INCORPORATE THE VIOLATION WITH OTHER VIOLATIONS PENDING
BEFORE THE COURT

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: November 22, 2021

by s/Phil Casey

Phil Casey
U.S. Pretrial Services Officer

Re: Mendoza-Zuniga, Nelson**November 22, 2021****Page 2**

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/29/2021

Date